

**RECORD OF DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
BIRD DAMAGE MANAGEMENT
IN THE
ARIZONA ANIMAL DAMAGE CONTROL PROGRAM**

INTRODUCTION and PROPOSED ACTION:

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Animal Damage Control (ADC) program receives requests to conduct bird damage management to protect livestock feed, livestock, livestock health, property, threatened and endangered species, and human health and safety in the state of Arizona. ADC prepared an Environmental Assessment (EA) to analyze the environmental impacts of continuing the current program that provides assistance in response to such requests. The scope of the EA includes ADC's bird damage management (BDM) action on private property sites or public facilities in Arizona. This decision and Finding of No Significant Impact (FONSI) are based on the analysis in this EA.

Individual actions on lands encompassed by this decision could each be categorically excluded under the APHIS Implementing Regulations for compliance with the National Environmental Policy Act (NEPA) (7 CFR 372.5(c)). This decision covers ADC's plans for future actions within the lands described in the EA. The purpose of the proposed plan of action is to alleviate damage caused by birds on the above types of land status areas. The needs for the program, as identified in the EA, are related to the fact that livestock feed, livestock, livestock health, property, threatened and endangered species, and human health and safety may be adversely affected by birds.

During FY 1995, the Arizona ADC program had agreements to conduct bird damage management on 3,371 acres of private land in 4 counties (Maricopa, Yuma, Pinal, and Cochise). Under the current program, ADC could be asked to provide this service on more properties in the state in the future; however, it is anticipated that control activities would be conducted in no more than 5% of the State's land area.

ADC is the Federal agency authorized to manage damage by birds and other wildlife. ADC cooperates with the Arizona Game and Fish Department (AGFD), and Arizona Department of Agriculture (ADA) to minimize bird damage. The AGFD has the primary responsibility to manage all protected and classified wildlife in Arizona, except Federally listed threatened and endangered (T&E) species. The ADA is the state agency with responsibility for managing depredations to agricultural resources caused by predatory animals, rodents, and related species. ARS 3-2401 grants ADA this management authority and directs the agency to cooperate with ADC. ADC's authority comes from the Animal Damage Control Act of March 2, 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c), and the the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988.

Memoranda of Understanding (MOUs) signed between APHIS-ADC, AGFD, and ADA, clearly outline the responsibility, technical expertise and coordination between agencies. All bird damage management will be conducted in a manner consistent with the Endangered Species Act of 1973 and the Section 7 Consultation completed with the U.S. Fish and Wildlife Service, as well as any further consultations that occur.

The EA analysis provides a comparison of four alternatives for addressing bird damage management on the subject land status areas in the State. The analysis and supporting documentation are available for review at the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control office at 2224 W. Desert Cove #209, Phoenix, Arizona 85029.

Decision and Rationale

I have carefully reviewed the EA and believe that the issues identified are best addressed by selecting Alternative 1 (the Proposed Action) which continues the current program.

Alternative 1 provides ADC the best opportunity to meet program goals for responding to requests for service and for minimizing losses while at the same time minimizing environmental impacts. Alternative 1 best allows ADC to meet its obligations to the AGFD, ADA, and to cooperating cities, counties and individuals within the State. As a part of this decision, the Arizona ADC program will provide all cooperators and cooperating Federal, State, and local agencies with information on nonlethal management techniques proven to be effective for reducing predation within one year of the decision. New cooperators or cooperating agencies will be provided this information within three weeks of signing a cooperative agreement.

Monitoring

The Arizona ADC program in consultation with the AGFD will compare the target and nontarget species killed in the State with the other kill to determine if the total take is within allowable harvest levels. Should allowable harvest levels be exceeded, ADC will consult with AGFD to determine if additional mitigations are necessary.

Public Involvement

The EA and this Record of Decision (ROD) were made available for public review and notices of availability were published in major newspapers in the State in accordance with APHIS and Council on Environmental Quality regulations. No public comments were received. The Arizona State Historic Preservation Office and the Arizona Game & Fish Department responded to ADC's request for consultation, and their comments have been incorporated into the final EA.

Major Issues

The EA describes the alternatives considered and evaluated using the identified issues. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

- Effects on Target Bird Species Populations
- Effects on Nontarget Species populations, including Threatened and Endangered Species
- Safety and Efficacy of Chemical Control Methods
- Cost Effectiveness

Five other issues were considered but rationales were presented for not analyzing them in detail. Those issues were:

- ADC's impact on biodiversity

- Bird Damage is a cost of doing business.
- Bird Damage Management should not occur at taxpayer expense.
- American Indian and Cultural Resource Concerns.
- Lethal BDM is futile because 50-60% of blackbird and starling populations die each year anyway.

Alternatives That Were Fully Evaluated

Four alternatives were analyzed in detail and three additional alternatives were considered, but not analyzed in detail. A detailed discussion of the effects of the alternatives on the issues is described in the EA; below is a summary of the alternatives and issues.

Alternative 1. Continuation of the current Arizona BDM Program on private property and public facilities (No Action). The No Action Alternative was analyzed and used as a baseline for comparing the effects of the other Alternatives as required by 40 CFR 1502.14(d). Alternative 1 would allow ADC to meet its mission. The analysis of impacts that Alternative 1 would have was low for target species, nontarget and T&E species.

Alternative 2. No Federal ADC BDM - This Alternative would terminate the Federal bird damage management program in Arizona. This alternative was not selected because it would not allow ADC to meet its statutory responsibility for providing assistance, nor would it optimize the chances for minimizing losses. Impacts on target, nontarget, T&E species populations, could be lower than, greater than, or the same as Alternative 1 depending on the level of private control efforts and whether illegal pesticide use occurred.

Alternative 3. Technical Assistance Only - Under this alternative, ADC would not conduct any direct operational BDM activities on private property or public facilities in the State. If requested, affected producers would be provided with technical assistance information only. Alternative 3 was not selected, because it would not allow the best chance for effective resolution of bird damage problems. The potential impacts on target, nontarget, and T&E species populations, would likely be similar to those of Alternative 2 and greater than Alternative 1.

Alternative 4. Nonlethal Control Required Prior to Lethal Control was not selected, because no standard exists to determine diligence in applying nonlethal methods, nor are there any standards to determine how many nonlethal applications are necessary before initiation of lethal controls, and ADC is charged by law to minimize damage caused by wildlife. The impacts of this alternative could be greater than the proposed action depending on the level of private control efforts and whether illegal pesticide use occurred.

The alternatives considered but not analyzed in detail are the following:

Compensation for Bird Damage Losses. The Compensation Alternative would direct ADC efforts and resources toward the verification of losses from birds, and providing monetary compensation to the producers. ADC services would not include any direct damage management nor would technical assistance or nonlethal methods be provided. This alternative was eliminated from detailed analysis in ADC's Final EIS because of many disadvantages which are also cited in the EA and because Congress has not appropriated funds to compensate for bird or other wildlife damage to agricultural products. This alternative would not be practical for resolving human health and safety concerns.

Bounties. This alternative would establish a system of payment to individuals for killing target birds. It was not considered in detail because of concerns that have been adequately described in the EA.

Eradication and Long Term Population Suppression. This alternative would establish long term intensive programs for eradicating or suppressing target bird populations over broad areas. It was eliminated from detailed analysis because eradication of bird species is not supported by ADC, AGFD, or ADA. Also, achieving eradication or long term suppression would be difficult or impossible to achieve under current constraints of technology, funding, and state restrictions on methods.

Decision

I have carefully reviewed the EA and believe the issues identified in the EA are best addressed by selecting Alternative 1. Alternative 1 provides the best range of damage management methods considered practical and effective to accomplish ADC's Congressionally authorized activities. While Alternative 1 does not require nonlethal methods to be used by producers, ADC will continue to encourage the use of practical and effective nonlethal methods by producers. By this decision, I am directing the Arizona ADC Program to implement Alternative 1.

Finding of No Significant Impact

The EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment because of this proposed action and that these actions do not constitute a major Federal action. I agree with this conclusion and, therefore, determine that an Environmental Impact Statement will not be prepared. This determination is based on the following factors:

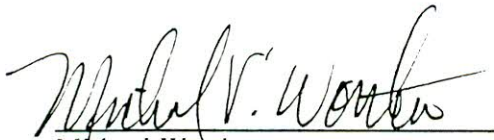
1. Bird damage management, as conducted on private property or public facilities in Arizona is not regional or national in scope.
2. Based on the analysis documented in the EA, the impacts of the bird damage management program will not significantly affect the human environment.
3. The proposed action will not have an impact on unique characteristics of areas such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas.
4. The proposed action will not significantly affect public health and safety. No accidents associated with ADC bird damage management are known to have occurred in Arizona.
5. The effects on the quality of the human environment are not highly controversial. Although there is opposition to bird damage management, this action is not controversial in relation to size, nature, or effects.
6. Mitigation measures adopted and/or described as part of the proposed action minimize risks to the public and prevent adverse effects on the human environment and reduce uncertainty and risks.
7. The proposed action does not establish a precedent for future actions. This action would not set a precedent for future bird damage management that may be implemented or planned within the state.
8. The number of animals taken (both target and nontarget) by ADC annually is small in comparison to total populations. The amount of land area on which BDM services are conducted is also minor. Adverse effects on wildlife or wildlife habitats would be minimal.

9. No significant cumulative effects were identified by this assessment for this or other anticipated actions to be implemented or planned within the area.

10. Bird damage management would not affect cultural or historic resources. ADC BDM activities are not undertakings that could have detrimental impacts on districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places nor will they cause a loss or destruction of significant scientific, cultural, or historical resources, including interference with American Indian cultural resources.

11. An evaluation of the proposed action and its effects on T&E species determined that no significant adverse effects on such species would occur. The proposed action will comply with the Endangered Species Act of 1973, as amended. Consultation with the U.S. Fish and Wildlife Service has taken place and mitigations developed as part of that process, or mitigations that may be established as the result of further consultations, will be implemented to avoid jeopardy or significant adverse impacts.

12. This action would be in compliance with Federal, State and local laws or requirements for bird damage management and environmental protection.



Michael Worthen
Regional Director, USDA-APHIS-ADC

11-8-96
Date